IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE SEVENTEENTH DAY OF NOVEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE DR JUSTICE G.YETHIRAJULU

WRIT PETITION NO : 21013 of 2004

Between:

A. Appa Rao, S/o. Sanyasi,
E 458582 (under Orders of Remoal), Andhra Pradesh State Road Transport Corporation, Salur Depot, R/o. D.No. 76, Tarakarama Colony, Bobbili, Vizianagaram District.

..... PETITIONER

AND

1 The Vice-Chairman & Managing Director, Andhra Pradesh State Road Transport Corporation, Musheerabad, Hyderabad.
2 The Executive Director, VJA & VZM, Andhra Pradesh State Road Transport Corporation, Mahatma Gandhi Bus Station, Hyderabad.
3 The Regional Manager, Andhra Pradesh State Road Transport Corporation, Vizianagaram, Vizianagaram District.
4 The Depot Manager, Andhra Pradesh State Road Transport Corporation, Salur, Vizianagaram District.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ, Order or Directions, more particularly one in the nature of Writ of Mandamus : a) To call for records of the disciplinary proceedings against the petitioner herein pertains to the suspension Order No. M1/30(1)/01-SLR, Dated 10-12-2001, the Charge Sheet No. M1/30(1)/01-SLR, Dated 10-12-2001, and the consequential punishment of Removal from the services No. M1/30(1)/01-SLR, Dated 04-07-2002 issued by the Respondent No. 4 herein and the Rejection of Appeal through the Proceedings No. Peshi/19(67)/2002-RM-VZM, Dated 18-11-2002 issued by the Respondent No. 3 herein and further Rejection of Review petition by the Respondent No. 2 herein through the Proceedings No. Steno/19(91)/2003-ED, VJA & VZM, Dated 21-06-2003; b) To set aside the above said Disciplinary Proceedings c) To consider and dispose of the Mercy Petition preferred by the Petitioner herein before the Respondent No. 1 herin; d) To reinstate the Petitioner herein into the services with all consequential benefits and attendant benefits e) To award costs by holding the actions of the Respondents herein as bad, void, voidable, illegal, irrational, illogical, arbitrary, discriminatory, harsh, deterrent, excessive in nature, violative of the Principles of Natural Justice, violative of the Regulations of the Respondent-Corporation and also violative of the Article 14, 16 and 21 of the Constitution of India.

Counsel for the Petitioner: MR.A.NAGENDRA RAO

Counsel for the Respondents: KUM.B.G.UMA DEVI

The Court, at the stage of admission, made the following :

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ORAL ORDER

The petitioner worked as a Junior Assistant in the respondent-Corporation. He was removed from service through the proceedings dated 04-07-2002 in pursuance of the findings in a disciplinary enquiry. The petitioner preferred an appeal to the 3rd respondent on 14-08-2002 and it was rejected on 18-11-2002. The petitioner filed a review petition before the 2nd respondent and it was also rejected by the 2nd respondent on 21-06-2003. The petitioner contends that he submitted a mercy petition before the 1st respondent on 10-02-2004, but, so far the 1st respondent did not pass any orders on the said application. The petitioner, therefore, approached this Court through this wit petition seeking to set aside the order of removal and to direct the respondents to reinstate him into service with all consequential benefits. The learned counsel for the petitioner submits that the mercy petition filed by the petitioner on 11-02-2004 is pending with the 1st respondent. Therefore, he requested the Court to issue a direction to the 1st respondent to pass appropriate orders on the said mercy petition.

In the light of the submissions made by the learned counsel for the petitioner, the 1st respondent is directed to pass appropriate orders on the mercy petition of the petitioner dated 11-02-2004 according to the rules at an early date.

Accordingly, the writ petition is disposed of. No order as to costs.

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Dr.G.YETHIRAJULU,J

17th NOVEMBER 2004

Note:

Issue CC in

Two(2) days.

(B/O)

*TSNR

TO

1 The Vice-Chairman & Managing Director, Andhra Pradesh State Road Transport Corporation, Musheerabad, Hyderabad.
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5 Two C.D.Copies